

Saxton, Craig

From: Saxton, Craig
Sent: Tuesday, August 12, 2008 9:31 AM
To: Grimm, Angie
Subject: Application for Transfer - Elmer Bacus - 67-4136B & 67-11228

Hey Angie,

Regarding our discussion this morning, I reviewed the transfer application from Elmer Bacus to add a point of diversion to water rights 67-4136B and 67-11228. To recap our discussion, on the transfer application map that I created for Elmer Bacus to illustrate where the new POD was to be located, it appears that the "Proposed POD" was crossed out and a new point of diversion was drawn about 400 feet to the south of where it was located on the map. Next to the newly drawn POD it reads, "Wastewater Diverted here". The question in my head was, is the transfer application intended to add the new POD at the location drawn by hand on the map and labeled "Wastewater Diverted Here."

I called Mr. Bacus but was not able to reach him.

However, it is my understanding that the intent of this transfer was to add the POD identified on the transfer map as "Proposed Point of Diversion".

At the time I was helping Mr. Bacus fill out the transfer application, we were also filing a late claim for waste water (67-14918). I had asked Mr. Bacus to fill out several different forms including an Application for Transfer, a Notice of claim to a Water Right, and a Motion to File a Late Notice of Claim. It would be possible that among all these forms, things might have got crossed.

The point of diversion labeled as waste water, is the POD for 67-14918. Hornet creek water can pass through that point, by being diverted from the POD located in the NWSW of section 15. The POD as hand drawn on the map is not a valid POD for Hornet Creek Water rights because it would not divert water directly from Hornet Creek.

It is my understanding the POD that the transfer is adding to water rights 67-4136B & 67-11228 is that which was identified on the map as "Proposed Point of Diversion" and that the hand drawn point of diversion was added in error or possibly just for informational purposes letting the department know that there was a POD he used there for waste water as well.

Let me know if you have any questions.

Thanks,

Craig

8/12/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Elmer L. Baicus

{Name of Claimant}

Rt. 3, Taylor St., Eagle, ID 83616

Telephone No. 939-6224

{Mailing Address}

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 3/1/1963

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

groundwater tributary to

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity 50 (cfs, af) Use irrigation (Domestic, Irrigation, Stock, Etc.) Period of Use From 4/1 (Mo., Day) To 11/31 (Mo., Day)

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity		Use		Period of Use From	To
----------	--	-----	--	--------------------	----

Quantity	Use	Period of Use From	To
----------	-----	--------------------	----

Quantity	Use	Period of Use From	To
----------	-----	--------------------	----

(4) 50 TOTAL QUANTITY USED.

(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SF ¼ SF ¼, Sec. 15 Twp. 17N Rge. 2W B.M., County of Adams

Additional points of diversion:

SMSW, Sec. 14, T. 17N, R. 2W

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 4 ft. deep ditch cut down thru property collecting sub-surface water

approximately 600 ft. long.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

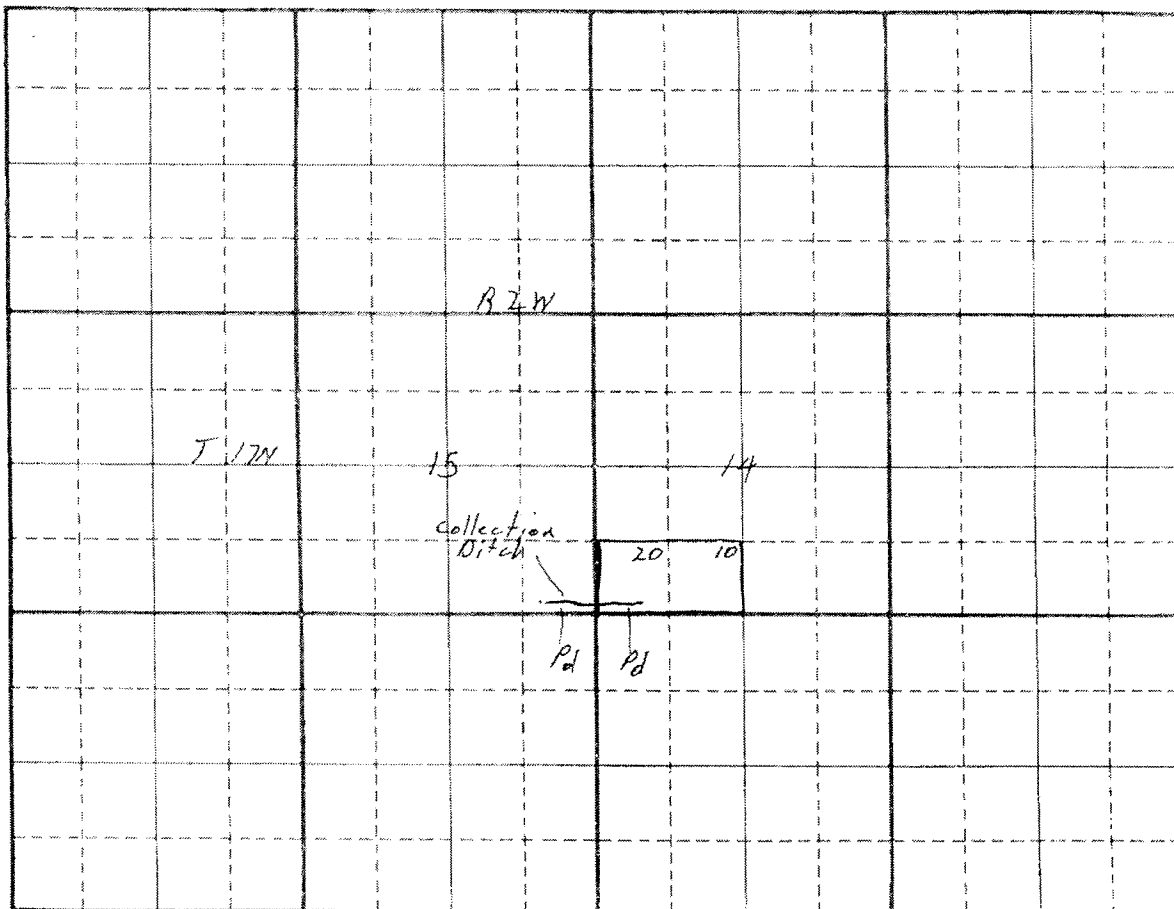
No. of acres 30

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of

Ada

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 31 day of

May

1983

Elmer L. Bowers

(Claimant)

Nancy M. Northway

Notary Public
Residing at Boise

My commission expires

Life

FOR DEPARTMENT USE ONLY

Received by GHS Date 5/31/83 Exception filed by: Forwarded to
Prelim. check by GHS Date 5/31/83 claimant by:
\$30.00 fee received by GHS Date 5/31/83 #28911
Published in Adams County Location
Dates 6/17/83 7/7/83

06/27/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-4136B
NAME AND ADDRESS: ELMER L BACUS
295 N TAYLOR ST
EAGLE ID 83616
RUTH E BACUS
295 N TAYLOR ST
EAGLE ID 83616

SOURCE: HORNET CREEK TRIBUTARY: WEISER RIVER
QUANTITY: 0.310 CFS
PRIORITY DATE: 03/15/1939
POINT OF DIVERSION:

T17N R02W S15 NWSW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.310 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R02W S14	SWSW	25.00	T17N R02W S14	SESW	8.90
T17N R02W S15	SESE	23.00	T17N R02W S22	NENE	15.00

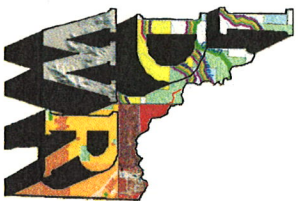
71.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 71.9 acres in a single irrigation season. Combined Right Nos.: 67-4136B & 67-11228

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



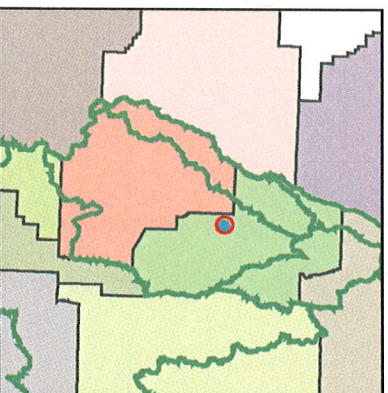
Idaho Department of Water Resources

SRBA Recommendation:

67-4136B
(Irrigation)

Legend

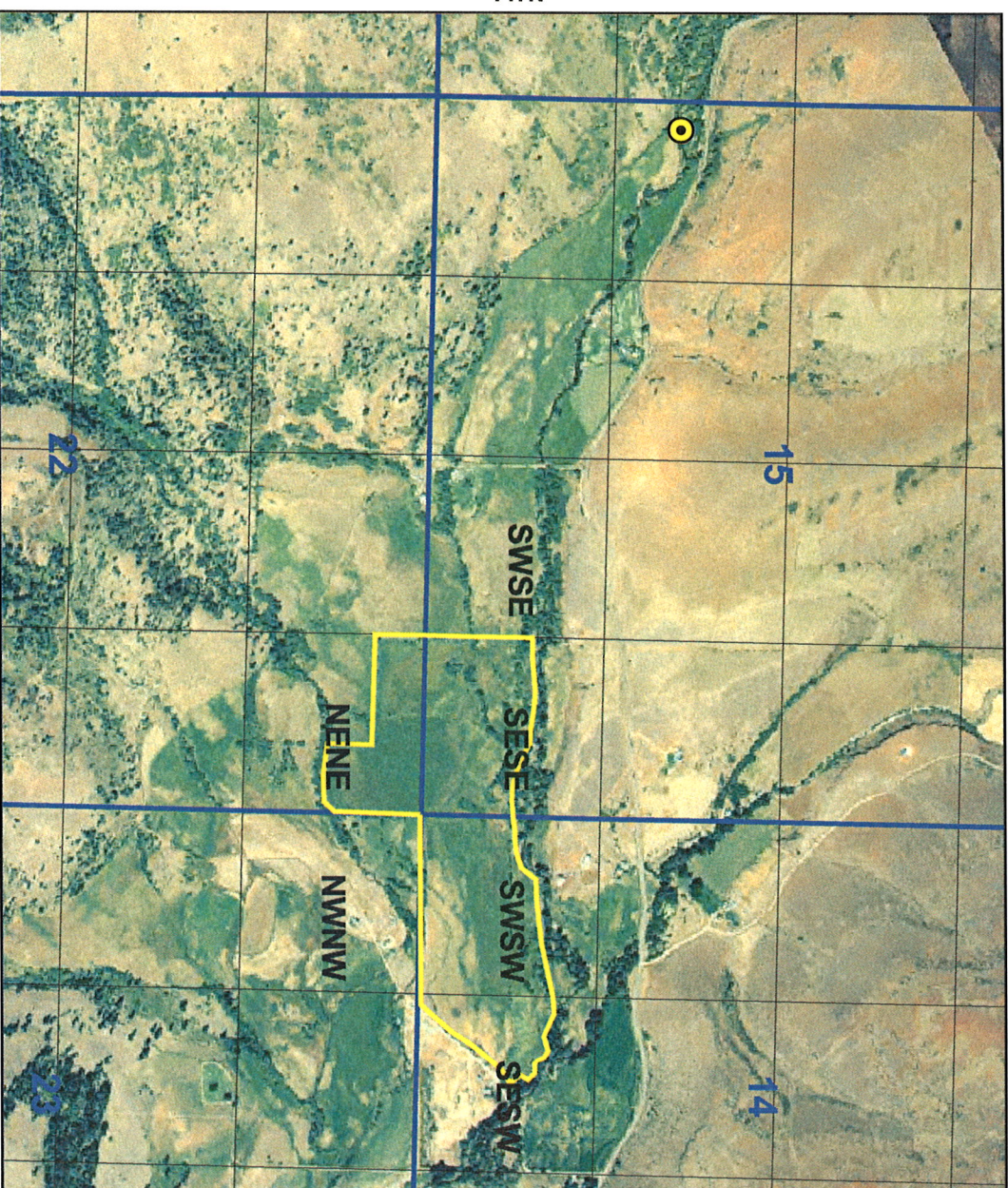
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Adams County
IDWR Basin 67

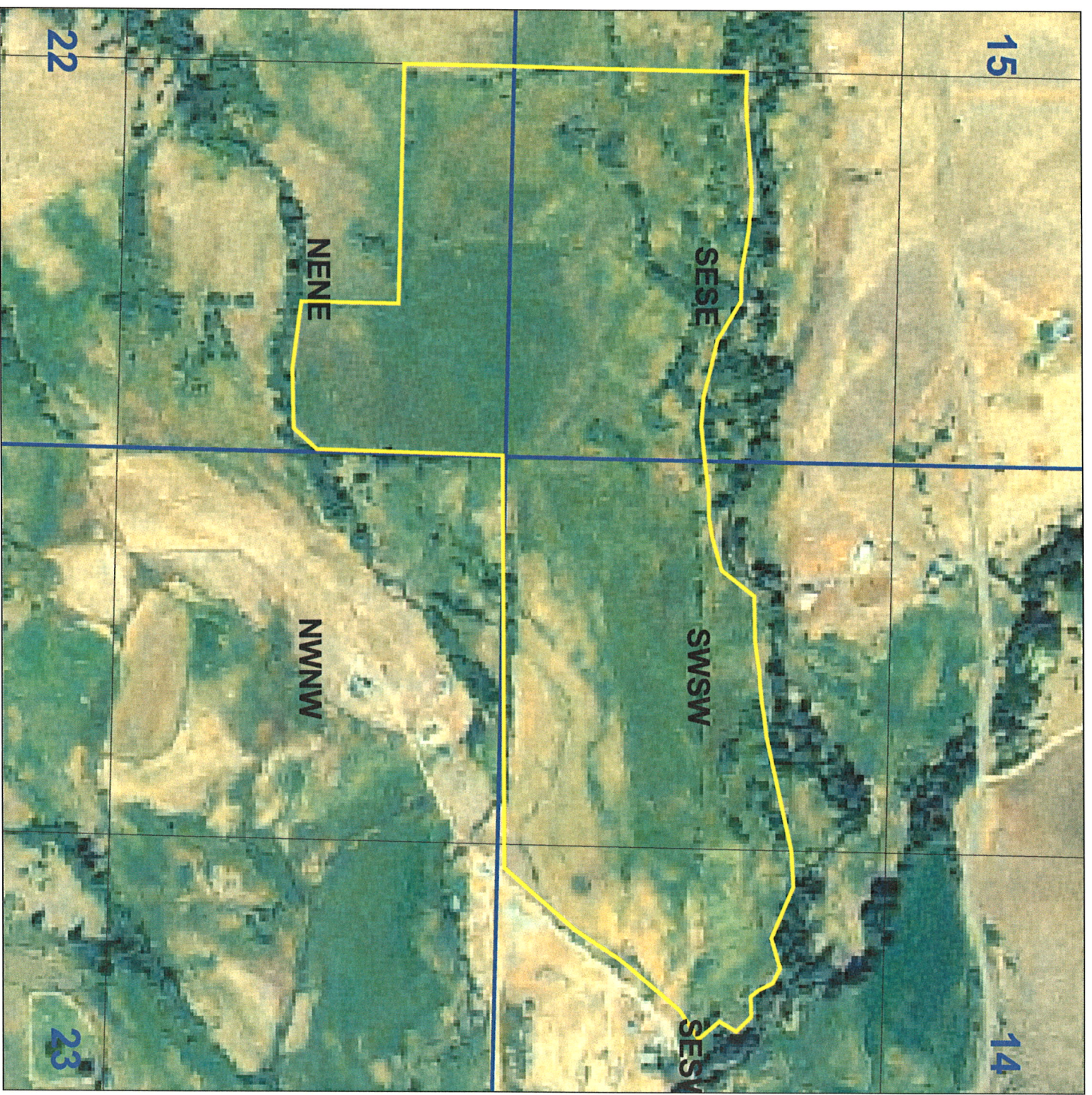


T17N



Prepared by D. Narsavage
On Tuesday, June 27, 2006
1987/88 Aerial Photography

67-4136B



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4136B V1

WATER RIGHT NUMBER: 67-4136B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ELMER L BACUS 295 N TAYLOR ST EAGLE, ID 83616 (208)939-6624
Current Owner	RUTH E BACUS 295 N TAYLOR ST EAGLE, ID 83616 (208)939-6224

Priority Date: 03/15/1939

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
HORNET CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.310 CFS	
	<u>Total Diversion:</u>	0.310 CFS	

Location of Point(s) of Diversion

HORNET CREEK	NW1/4SW1/4	Sec. 15, Twp 17N, Rge 02W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	02W	14											25.0	8.9					33.9
17N	02W	15															23.0		23.0
17N	02W	22	15.0																15.0

Total Acres: 71.9

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4136B V1

2. E56 The rights listed below are limited to the irrigation of a combined total of 71.9 acres in a single irrigation season. Combined Right Nos.: 67-4136B & 67-11228

Remarks:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		71.9

Combined Water Rights: 67-4136B , 67-11228

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	6/27/2006 3:12:31 PM	csaxton			Active
Priority Date	6/27/2006 3:15:34 PM	csaxton			Active
POD	6/27/2006 3:16:56 PM	csaxton			Active
Source	6/27/2006 3:17:44 PM	csaxton			Active
POU	6/27/2006 3:18:02 PM	csaxton			Active
Use	6/27/2006 3:19:35 PM	csaxton			Active
Season	6/27/2006 3:19:49 PM	csaxton			Active
Quantity	6/27/2006 3:20:54 PM	csaxton			Active
Summary			06/27/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	6/21/2005 3:54:23 PM	mvanbussum	Edited shape boundary
POU	6/21/2005 3:54:38 PM	mvanbussum	Edited PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4136B V1

General	6/27/2006 3:15:34 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavit from claimant.
POD	6/27/2006 3:16:29 PM	csaxton	Updated shape
POD	6/27/2006 3:16:56 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	6/27/2006 3:18:03 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 13 - Field Exam by Melanie Vining on 6/17/05.
POU	6/27/2006 3:18:31 PM	csaxton	Updated shape for Active POU
POU	6/27/2006 3:18:42 PM	csaxton	Updated PLS for Active POU
Contacts	6/27/2006 3:12:31 PM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4136B V1

Summary	6/27/2006 3:25:22 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	6/27/2006 3:16:40 PM	csaxton	Updated PLS
Source	6/27/2006 3:17:45 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field Exam by Melanie Vining on 6/17/05.
Use	6/27/2006 3:19:36 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field Exam by Melanie Vining on 6/17/05.
Season	6/27/2006 3:19:50 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4136B V1

Quantity	6/27/2006 3:20:55 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Per Water master, POD has the capacity to carry decreed water and flood water (file 67-383A).
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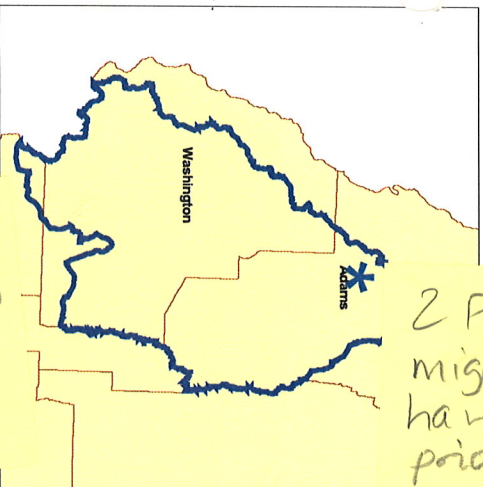
Water Supply Bank:

Idaho Department of Water Resources



Adjudication Claim Number: **67-4136 B**

2 PODs - 2 claims
might have to
have 2 different
priority dates
11228, 4136B



Me! made
digital shapes

Section Lines
GCDB17N02W

per claimant.
flow away from
POD



Prepared by D. Narsavage
On Wednesday, April 13, 2005
1987/88 Adjudication True Color Imagery

★ See Archives POD on CD

Priority Date Data Entry Form

Claim Number 67-4136B

Claimed Priority Date: 6/30/1883

Claimed Basis: Beneficial Use

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date:

Water Right Basis:

Recommended Priority Date Recommended Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

claimants will provide evidence of priority
cannot pre-date Muir v. Allison

Reviewer: mvDate: 6/17/05

Point of Diversion and Source Data Entry Form

Claim Number 67-4136B

Claimed Point of Diversion and Source

T17N R02W S15 NWSW Within ADAMS County Source: HORNET CREEK WEISER RIVER

☒ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

Other rights from this POD? _____

Document how the POD and Source were verified:

field exam w/ claimants - POD GPS'd by Bosco Bosler -
shows up in ArcView "claimed POD" layer in correct section, QQ
POD shared w/ 4136a, 11228

Reviewer: mvDate: 6/17/05

Place Of Use Data Entry Form

Claim Number 67-4136B

Claimed Place Of Use

T17N R02W S14	SWSW	20.0	T17N R02W S14	SESW	5.0
T17N R02W S15	SESE	15.0	T17N R02W S22	NENE	18.0

Total Acres 58

☒ Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

_____ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

field exam + map confirmed by claimant

Reviewer: _____

mv

Date: _____

6/17/05

Purpose of Use Data Entry Form

Claim Number 67-4136B

Claimed Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Recommended Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Number of Other

Document how the Purpose of Use was verified:

field exam

Reviewer: MVDate: 6/17/05

Period of Use and Quantity Data Entry Form

Claim Number 67-4136B

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	1.16	

Overall Diversion Rate 1.16

Overall Diversion Volume

Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
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Overall Diversion Rate

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate

Overall Diversion Volume

Document how the Period of Use and/or Diversion Rate were verified:

check @ IDWR

Reviewer: MMVDate: 6/17/05

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	ELMER L BACUS	295 N TAYLOR ST	EAGLE	ID	83616	(208)939-6624
Current Owner	RUTH E BACUS	295 N TAYLOR ST	EAGLE	ID	83616	(208)939-6224

Date of Field Exam: _____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

Reviewer: _____

Date: _____

AJ - 11228

Eagle 939-6224 Bacus 253-4777

Address + Phone Change? - not needed - still @ Eagle Address + phone

(POD) + POD

Priority affidavit

Should have POD already

Bosco Bosler already
GPS & all
headgates on Honey
Creek

GPS (this POD (pt.) shows
up in ArcView "claimed
POD" layer)

(*) ptu deed @ Adams Co. courthouse

THE
SEVEN
HABITS
OF HIGHLY
EFFECTIVE
PEOPLE

99108

4

PERSONAL REPRESENTATIVE'S DEED

THIS PERSONAL REPRESENTATIVE'S DEED, made by RUTH E. BACUS, as Personal Representative of the Estate of MILDRED H. HARRINGTON, deceased, Grantor, to RUTH E. BACUS, a married woman, as her sole and separate property, Grantee, whose current address is: 295 Taylor Street, Eagle, Idaho 83616.

WHEREAS, Grantor is the qualified Personal Representative of said Estate, filed as Probate Number SP 99-00399 in Adams County, Idaho;

THEREFORE, for valuable consideration received, Grantor sells and conveys to Grantee all interest in the following described real property located in Adams County, Idaho, claimed by the estate:

More particularly described on attached Exhibit "A".

EXECUTED this 4 day of December, 2000.

Ruth E. Bacus
Ruth E. Bacus
Personal Representative of Estate

Instrument # 99108

COUNCIL, ADAMS, IDAHO

2000-12-13

01:43:23 No. of Pages: 4

Recorded for : BURTON & KROLL

MICHAEL FISK

Fee: 12.00

Ex-Officio Recorder Deputy

Index to DEED

2 99108
4

STATE OF IDAHO)
County of Washington) ss.

On this the _____ day of December, 2000, before me the undersigned, a Notary Public in and for said State, personally appeared RUTH E. BACUS, known to me to be the person whose name is subscribed to the foregoing instrument as the Personal Representative of the Estate of MILDRED H. HARRINGTON, deceased, and acknowledged to me that she executed the same for and on behalf of said estate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Libbe Dawes
Notary Public for said State
Residing at: Wilder, Idaho
Comm. Expires: 12/18/2003

3 99108
4

EXHIBIT A
ORDER NO. 100-00-540
LOT BOOK NO. H-328419

Township 17 North, Range 1 West, Boise Meridian, Adams County,
Idaho

Section 19: SE1/4NW1/4, NE1/4SW1/4, Lot 2, and all that part of
the SE1/4SW1/4 lying East of Council-Cuprum Road and a tract of
land in Lot 3 more particularly described as follows:

Commencing at the Southeast corner of said Lot 3;

Thence North 149 feet along the East boundary of said Lot 3 to
the REAL POINT OF BEGINNING;

Thence Northwesterly to a point on the North line of said Lot 3,
627 feet West of the Northeast corner of said Lot 3;

Thence East 627 feet along the North line of said Lot 3 to the
Northeast corner of said Lot 3;

Thence South along the East line of said Lot 3 to the REAL POINT
OF BEGINNING.

Township 17 North, Range 1 West, Boise Meridian, Adams County,
Idaho

Section 21: E1/2NW1/4, SW1/4NE1/4, NW1/4SE1/4

Township 17 North, Range 1 West, Boise Meridian, Adams County,
Idaho

Section 30: All that portion of the NE1/4NW1/4 lying
Northeasterly of Council-Cuprum Road right-of-way and
Southeasterly of the Ridge Road right-of-way as located and
established on April 12, 1969.

Township 17 North, Range 1 West, Boise Meridian, Adams County,
Idaho

Section 30: A portion of the NE1/4NW1/4 more particularly
described as follows:

Commencing at the Southwest corner of said NE1/4NW1/4;

Thence East 214 feet along the South line of said NE1/4NW1/4 to
the REAL POINT OF BEGINNING;

Thence continuing East along the South line of said NE1/4NW1/4 to
the Westerly right-of-way line of Council-Cuprum Road as located
and established on April 12, 1969;

Thence Northwesterly 379 feet along said Westerly right-of-way
line to a point;

Thence Southwesterly to the REAL POINT OF BEGINNING.

CONTINUED

4 99108
4

ORDER NO. 100-00-540
Lot Book No. H-328419
Exhibit A Continued

Township 17 North, Range 1 West, Boise Meridian, Adams County,
Idaho

Section 30: All that part of the North 248 feet of the
SW1/4NE1/4 lying East of Council-Cuprum Road right-of-way as
located and established on April 12, 1969, and all that part of
the NW1/4NE1/4 lying East of the Council-Cuprum Road, and all
that part of the SE1/4NW1/4 lying West of the Council-Cuprum Road.

Township 17 North, Range 2 West, Boise Meridian, Adams County,
Idaho

Section 5: NW1/4SW1/4 and SW1/4NW1/4 EXCEPTING the right-of-way
of Council-Cuprum Road.

Section 6: NW1/4SE1/4, Lot 7, EXCEPTING the right-of-way of
Council-Cuprum Road.

Township 18 North, Range 3 West, Boise Meridian, Adams County,
Idaho

Section 26: S1/2SE1/4

Section 35: N1/2NE1/4

SAVE AND EXCEPTING THEREFROM that portion granted to Adams County,
Idaho, for roadway purposes as shown under Instrument No. 97821,
recorded May 2, 2000.

Affidavit

I Elmer Bauer moved to the place
of use described & claimed 67-4136B
in March 1939 and have
irrigated said land continuously
from 1939 to this date 8-30-05
Elmer L Bauer

for 67-412 "3, 11228
(a+b)

ADAMS COUNTY, IDAHO

INSTRUMENT NO. 38019

QUITCLAIM DEED

THIS INDENTURE, Made this 14th day of September in the year of our Lord one thousand nine hundred and Forty Nine between BEN BACUS and IDA M. BACUS, husband and wife, of Council County of Adams State of Idaho, the parties of the first part, and ELMER L. BACUS and RUTH E. BACUS, husband and wife, of Council County of Adams State of Idaho, the parties of the second part.

WITNESSETH That the said parties of the first part, for and in consideration of the sum of SIX THOUSAND AND NO/100 DOLLARS, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM, unto the said parties of the second part, and to their heirs and assigns all those certain lots, pieces or parcels of land, situate, lying and being in the County of Adams, State of Idaho, bounded and particularly described as follows, to-wit:

Southeast Quarter of the Southeast Quarter of Section Fifteen (15), South Half of the Southwest Quarter of Section Fourteen (14) and Northeast Quarter of the Northeast Quarter of Section Twenty-two (22), Township Seventeen (17) North, Range Two (2) West, Boise Meridian, excepting a strip of land in said Northeast Quarter of Northeast Quarter of Section Twenty-two (22), said Township and Range lying south of a line drawn 57 rods north of the south boundary of said Subdivision and parallel to the same, and west of a line drawn 31 rods west of the Eastern boundary of said subdivision and parallel to the same and intersecting the east and west line first drawn heretofore deeded to Rasmus Hanson by virtue of an order of the Receiver of the U. S. Land Office at Boise, Idaho, dated 22nd day of June, 1895, also all that portion of the Southeast Quarter of the Northeast Quarter and Northeast Quarter of the Southeast Quarter of Section Fifteen (15)

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in Presence of _____

Ben Bacus (Seal)
Ida M. Bacus (Seal)

STATE OF IDAHO)
County of Adams) ss.

On this 14th day of September in the year 1949, before me The Undersigned, a Notary Public in and for said State, personally appeared BEN BACUS and IDA M. BACUS, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(NOTARIAL SEAL)

Carl H. Swanstrom
Notary Public for the State of Idaho,
Residing at Council, Idaho

Recorded at the request of Elmer Bacus at 05 minutes past 10 o'clock A. M. on the 15th day of June, 1957.

Anna Mink Schwartz, Recorder
By Claire A. Perkins, Deputy

Fee \$1.50

C.P. 4 M.S.

W. E. Talboy and wife
Ruby E. Talboy and Aaron
Michael and Elva Vanderbilt
Michael, his wife, Jeff
Yarborough and Elva Yarborough,
his wife,

MORTGAGE

Dated Oct. 1st, 1925
Recorded Oct. 29th, 1925
Book 10 of Mortgages
Page 526-7-8
Consideration \$4,000.00

to

Harry Townley

Grant, Bargain, Sell, Convey and Confirm

The following described real estate, in the County of Adams, and
State of Idaho, to-wit:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 15, S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 14, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 22, Twp
17 N. R. 2 W. E. M., excepting a strip of land in said NE $\frac{1}{4}$ NE $\frac{1}{4}$ of
Sec. 22, said Township and Range lying South of a line drawn 57 rods
North of the South boundary of said subdivision and parallel to same,
and west of a line drawn 31 rods west of eastern boundary of said
subdivision and parallel to the same and intersecting the East and west
line first drawn heretofore deed to Rasmus Hanson by virtue of an
order of Receiver of U. S. Land Office at Boise, Idaho, dated 22nd
day of June 1895, also all that portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$
of Sec. 15 and N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 14 all in Township 17 N. R. 2 West
E. M., lying and being South of County road leading from Council to
the Seven Devils excepting from this the following tract of land:
Beginning at a point 792 feet North of the $\frac{1}{4}$ Section corner on the
boundary line between Sections 14 and 23, said Twp. and range which
point is the center of Hornet Creek on said line, thence North a-
long said boundary line 684 feet to center of wagon road leading up
Hornet Creek from Council to the Seven Devils, thence along center
of said road to a point in said road where it intersects the bound-
ary line between NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 15 said Twp. and
Range, thence South along said boundary line also between the SE $\frac{1}{4}$ SE $\frac{1}{4}$
and SW $\frac{1}{4}$ SE $\frac{1}{4}$ said Sec. 15, 585 feet to center of Hornet Creek, thence
down center of said creek to the point and place of beginning, con-
taining 101 acres more or less.

Together with all water and water rights thereto belonging or in
any wise appertaining, including all ditch rights.

Together with all and singular the privileges, tenements, heredita-
ments and appurtenances, water, water rights, ditches, laterals,
rights-of-way, franchises and appropriations thereto belonging
or in any wise appertaining.

GIVEN to secure the payment of the following indebtedness, to-wit: A
note of even date herewith for \$4,000.00 signed by the mortgagors,
payable to the mortgagee, due 3 years after date with privilege
granted to mortgagors to pay same five years after date, bearing
6 per cent interest per annum from date until paid, the interest
paying date being Sept. 1, of each year.

THE UNITED STATES

And all to whom these

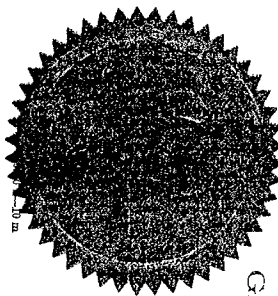
1. Exercises Revised

Known unto all, That the United States of America, in consideration
 provided, have given and granted, and by these presents do give and grant, unto
 and to *him* heirs, the said tract above described; To have and to
 whatsoever nature, thierunto belonging, unto the said *William H.*
 subject to any vested and accrued water rights for mining, agricultural, manufacturing,
 rights, as may be recognized and acknowledged by the local customs, laws, and decision
 remove his one therefrom, should the same be found to penetrate or intersect the pre
 granted, a right of way thereon for ditches or canals constructed by the authority of the
 In testimony whereof I, *Charles Deane*
 these letters to be made Patent, and the seal of the General Land Office to be hereunto

GIVEN under my hand at the City of Washington, this
 hundred and *ninety six* and
 By the President, *1896*

BY THE PRESIDENT: 1-2

under my hand at the City of Washington, the
hundred and thirty six, and



Recorded, Vol. 6, Page 414



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 19, 2005

RE: Snake River Basin Adjudication (SRBA) claims 67-04136B and 67-11228

Dear Mr. and Mrs. Bacus,

In June, one of our contract field examiners, Melanie Vining, performed a field exam for the above-mentioned claims. At that time, you told her about your interest in claiming on decreed water right 67-00393. She sent notice of your interest to us and we have been reviewing the files.

The original decreed place of use (POU) for 67-00393 overlaps with some of the area you are claiming in SRBA claim 67-11228. The decreed POU for 67-00393 is described as follows:

T17N R02W Sec. 15 SESW
 SWSW
 SESE
T17N R02W Sec. 22 NENE

Because you are claiming a different POU than originally decreed, without evidence of an accomplished change in place of use (see accomplished transfer discussion below), we can only recommend the acres that match both with the decreed POU and the claimed POU. This is less than what you claimed. We can then recommend the claim as a permissible place of use (PPU). A PPU simply means that you will be limited to a certain amount of water and you can move it around on your property. For 67-11228, we would be able to recommend the acreage you claim in sections 15 and 22, for a total of 33 acres at 5/8 of an inch of water to the acre. However, in a given year, you could irrigate any 33 acres within the 58 acres claimed.

Amending 67-11228 also impacts claim 67-04136B. As mentioned above, under 67-11228, you will be limited to 5/8 of an inch to the acre for those 33 acres. Claim 67-4136B can be recommended for the full 58 acres and for a flow sufficient to bring your water up to a full one inch to the acre. At this time, no amendment needs to be made to claim 67-04136B.

If this is acceptable to you, we will need to amend claim 67-11228 to reflect decreed right 67-00393. Making this change would also give you the decreed priority date and we would not have to seek additional evidence of priority. I have included an amended notice of claim for 67-11228 reflecting the changes and the basis as decreed, which I need you to look over, sign and have notarized before sending back to me.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Accomplished transfer:

As you look over the decreed place of use for 67-00393 above, you will notice it covers the south side of the SW quarter of section 15. This is not included as your claimed POU. Your claim covers the south side of the SW quarter of section 14. An accomplished transfer is when the water that was originally decreed for use in one place has been moved (or, transferred) at some point in the past by an owner. If you can show you accomplished a transfer in place of use from S1/2SW section 15 to S1/2SW Section 14, we would be able to recommend 67-11228 for the full 58 acres you are claiming at 5/8 of an inch to the acre. Then we would simply recommend 67-04136B for all the acreage to get you to an inch to the acre. Evidence generally submitted to support an accomplished transfer has taken place is in the form of an affidavit stating that the intent of the historical practice was to do so. However, other forms of evidence can be submitted.

I realize that this is a lot of information all at once. I have included Notices of Claim for 67-04136B and the amended 67-11228. Please feel free to contact me at (208) 287-4907 with any questions.

Respectfully submitted,

Monica P. Van Bussum
Water Resource Agent/GIS Technician
Adjudication Bureau

Enclosures

Cc: Notice of Claim 67-04136B
Notice of Claim 67-11228

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

AMENDED

Ident. Number 67-11228
Date Received: 11/6/1989
Receipt No: W006636
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

RUTH E BACUS Phone: (208)939-6224

295 N TAYLOR ST
EAGLE ID USA 83616

ELMER L BACUS Phone: (208)939-6624

295 N TAYLOR ST
EAGLE ID USA 83616

2. Date of Priority: 08/01/1887

3. Source: HORNET CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	02W	15	NW SW	ADAMS	

5. Description of diverting works:

DAM W. HEADGATE, CEMENT AND EARTH DITCHES, GRAVITY FLOWS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.06	

7. Total Quantity Appropriated is:
0.66 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	02W	14	SW	SW	IRRIGATION	20
			SE	SW	IRRIGATION	5
					Section Acres	25
17N	02W	15	SE	SE	IRRIGATION	15
					Section Acres	15
17N	02W	22	NE	NE	IRRIGATION	18
					Section Acres	18
					Total Acres	58

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

OLD STAT. CLAIM INCORRECTLY SHOWED SOURCE AS GROUNDWATER SHOULD BE HORNET CREEK.

33 ACRES ARE ACTUALLY IRRIGATED.

THIS WATER RIGHT IS BASED ON DECREE RIGHT 67-00393 (MUIR V. ALLISON). CLAIMANT IS LIMITED TO 33 ACRES OF IRRIGATION UNLESS AN ACCOMPLISHED CHANGE IN POU IS SUPPORTED SHOWING THAT THE ENTIRE DECREE RIGHT WAS TRANSFERRED TO THE CLAIMED POU PRIORI TO NOVEMBER 19, 1987

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

Notes on 67-383 + 67-393

Possible involved parties: Lee + Dara Cole (currently hold 67-383a)
 Larry Walling (currently holds 67-383b)
 Ruth + Elmer Bacus (currently cannot find claim on any adjudicated water)

67-383 POA in decree: S E SW } Cole owns
 SW SE } Walling owns } 17 N 02 W
 N W NE } Walling owns }
 W 1/2 NENE } Sec. 22
 1/2 Walling } Bacus (N 1/2 of W 1/2 NENE)

original owners: Dara

67-393 POA in decree: S 1/2 SW } Cole owns
 SE SE } Sec 15 } 17 N 02 W
 E 1/2 NENE } Sec. 30
 3 different claimants }
 Bacus

↑ I wonder if this should be Sec. 22.

original owners: Lawrence and Adams

if so, Bacus owns E 1/2 NENE Sec. 15

* need to research

B M HOLT: The North half of the Northeast Quarter and the West half of the Southwest Quarter of Section 32 and the South half of the Southeast Quarter of Section 31, all in Township 17 North, Range 1 West Boise Meridian; the West half of the Northwest Quarter, Section 5, and the North half, and the North half of the Southeast Quarter of Section 6, all in Township 16 North, Range 1 West Boise Meridian, and the East half of the Northeast Quarter, Section 1, Township 16 North, Range 2 West Boise Meridian.

67-393 J E LAWRENCE AND CLARK ADAMS: The South half of the Southwest Quarter and the Southeast Quarter of the Southeast Quarter of Section 15, and twenty acres off the east side of the Northeast Quarter of the Northeast Quarter of Section 30, Township 17 North, Range 2 West Boise Meridian.

J A DARLAND: The East half of the Northwest Quarter and the West half of the Northeast Quarter of Section 16, in Township 17 North, Range 2 West Boise Meridian.

REBECCA WILSON: The East half of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter Section 9 Township 17 North, Range 2 West Boise Meridian.

A KAMPETER: The South half of the Southeast Quarter of Section 5, the Southwest Quarter of the Southwest Quarter Section 4, and the Northwest Quarter of the Northwest Quarter, Section 9, Township 17 North, Range 2 West Boise Meridian.

WILLIAM HANBON: The Northeast Quarter of the Northeast Quarter, Section 5, and the Northwest Quarter of the Northwest Quarter, Section 4, Township 17 North, Range 2 West Boise Meridian.

MATTIE M KIRKS: The West half of the Southwest Quarter, the Northeast Quarter of the Southwest Quarter, and the Northwest Quarter of the Southeast Quarter, Section 15, Township 17 North, Range 2 West Boise Meridian.

W J WILSON: The North half of the Northwest Quarter, and the Southwest Quarter of the Northwest Quarter, Section 23, and the Southeast Quarter of the Northeast Quarter, Section 22, Township 17 North, Range 2 West Boise Meridian.

FRANK PECK: The Southeast Quarter of the Northwest Quarter Section 5, Township 17 North, Range 2 West Boise Meridian.

P H MILLER: The Southeast Quarter of the Southwest Quarter, Section 4, the east half of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter, Section 9, Township 17 North, Range 2 West Boise Meridian.

PRESTON G ANDERSON: The South half of the Northeast Quarter, the East half of the Southeast Quarter, Section 9, Township 16 North, Range 1 West Boise Meridian.

LYDIE BRAUER, OTTO BRAUER AND DOROTHY LAKKEY: The West half of the Northeast Quarter of Section 23, and the South half of the Southeast Quarter of Section 14, Township 17 North, Range 2 West Boise Meridian.

J J SHAW AND D S WHITEHEAD: Lots 1, 2, 3, 4, 5 and 6 the Southeast Quarter of the Northwest Quarter, and the Northwest Quarter of the Southeast Quarter, and the Southwest Quarter of the Northeast Quarter of Section 21, Township 17 North, Range 2 West Boise Meridian.

LEANDER LINDSEY: The Southeast Quarter, Section 22, Township 14 North, Range 1 West Boise Meridian.

E H RICHARDSON: Lot 2, the South half of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter, Section 1, Township 13 North, Range 1 West Boise Meridian.

JUL 24 1956

A L FREEHAFER AND MARGARET E PIKE: The West half of the Southeast Quarter, the East half of the Southwest Quarter and a strip of land in the West half of the Southwest Quarter adjoining lands above described, all in Section 23, Township 17 North, Range 1, West Boise Meridian.

see Donnelly below
A L FREEHAFER, ADMINISTRATOR OF THE ESTATE OF THOMAS J STUTSMAN: The Southwest Quarter of the Southeast Quarter Section 30, the West half of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter Section 31, Township 17 North, Range 1 West Boise Meridian.

FRANK RICHARDSON: The South half of the Southeast Quarter of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 5, Township 16 North, Range 1 West Boise Meridian.

MARK C FULLER: The Northeast Quarter of the Northeast Quarter and the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 8, and the Northwest Quarter of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 9, Township 16 North, Range 1 West Boise Meridian, excepting therefrom a tract of 22 acres of high ground owned by H C Stever on the East side of the Northeast Quarter of the Northeast Quarter of Section 8.

A J DUFFUS: The Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter, the West half of the Southeast Quarter of Section 9, Township 16 North, Range 1 West Boise Meridian.

E E SHANNON AND ED SHANNON: The Southwest Quarter of the Southwest Quarter, the West half of the Southeast Quarter of the Southwest Quarter, the South half of the Northeast Quarter of the Southwest Quarter of Section 5, Township 16 North, Range 1 West Boise Meridian.

REBECCA WILSON: The Northeast Quarter of the Southwest Quarter, the West half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section 24, Township 17 North, Range 2 West Boise Meridian.

SWSE 3 15
SESW 3 15
NUNE
20 ac. W side
NENE
SW 30
NW 20
E E DARE AND FLORENCE G DARE: The Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter of Section 15, and the Northwest Quarter of the Northeast Quarter, and 20 acres off of the West side of the Northeast Quarter of the Northeast Quarter of Section 22, all in Township 17 North, Range 2 West Boise Meridian. 67-383

ELLIS HARTLEY: The Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter of Section 23, and the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Northwest Quarter of Section 24, all in Township 17 North, Range 2 West Boise Meridian. 67-385 386 SENE 3 23 NW SW 24

C M GILMER AND FRANK PECK: The South half of the Northeast Quarter of Section 5, the Southwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 4, Township 17 North, Range 2 West Boise Meridian.

DALE DONNELLY: The North half of the Northeast Quarter and the Southwest Quarter of the Northeast Quarter of Section 31, Township 17 North, Range 1 West Boise Meridian.

HENRY E WAINER AND EARL WALSTON: The Southwest Quarter of the Southwest Quarter of Section 19, and the North half of the Southwest Quarter of Section 30, all in Township 17 North, Range 1 West Boise Meridian. JUL 24 1996

Hornet Creek.

A I Freshafer, adm of the estate of Thomas J
Stutsman

Frank Richardson

Mark C Fuller, sub for C H Davis

A J Duffus

E E Shannon and Ed Shannon

Rebecca Wilson

S E Dare and Florence G Dare

Ellis Hartley

O M Gilmer and Frank Peck

Dale Donnelly

Henry E Warner and Earl Walston

B M Holt

J E Lawrence and Clark Adams

J A Darland

Rebecca Wilson sub for Walter Wilson

A Kampeter

William Hanson

Mattie M Keys

W J Wilson

Frank Peck

P H Miller

Hornet Creek. (Con)

Preston G Anderson (D K Lindsay is his guardian)

Lydia Brauer, Otto Brauer and Dorothy Lakey

J J Shaw and D B Whitehead

Hornet Creek Water Storage Association

Little Weiser River.

Anderson-Lindsay-Linder-Corriell Ditch.

Leander Lindsay

E H Richardson

Annie Carson

J W Fraiser

Willette L Fraiser, sub for J W Fraiser

Chris Behnen

John Hutchinson

J A Lemons

38 1/2

22

40

32

25

62 1/2

56 1/2

16

47

12 1/2

37 1/2

50

37 1/2

62 1/2

40

30

56 1/2

25

50

35 1/2

12

16

47

10

38 1/2

25

15

28

9 1/2

31 1/2

10

1250

1250

17

29

35

31

42

8

30

30

May 1, 1880 67 0377

June 1, 1880 67 0378

June 1, 1881 67 0379

June 1, 1881 67 0380

June 1, 1881 67 0381

May 30, 1883 67 0382

June 30, 1883 67 0383

May 1, 1885 67 0384

May 30, 1885 67 0385

Dec 31, 1899 67 0386

May 1, 1884 67 0387

May 1, 1884 67 0388

June 1, 1886 67 0389

April 1, 1886 67 0390

May 1, 1900 67 0391

April 1, 1900 67 0392

Aug 31, 1887 67 0393

June 1, 1888 67 0394

Dec 1, 1888 67 0395

Dec 31, 1889 67 0396

Dec 31, 1891 67 0397

Dec 31, 1891 67 0398

June 1, 1893 67 0399

June 30, 1895 67 0400

April 2, 1895 67 0401

April 30, 1895 67 0402

May 1, 1898 67 0403

Dec 31, 1899 67 0404

Dec. 31, 1899 67 0405

May 1, 1900 67 0406

May 1, 1901 67 0407

May 28, 1909 67 0408

July 6, 1909 67 0409

June 1, 1885 67 0410

June 1, 1885 67 0411

June 1, 1895 67 0412

June 1, 1895 67 0413

June 1, 1895 67 0414

June 1, 1895 67 0415

May 1, 1897 67 0416

June 1, 1900 67 0417

JUL 24 1898

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Elmer L. Dacus (name of claimant)

of Rt. 1 Taylor St. Eagle, Ida 83616, claims a right to the diversion and beneficial use of
(mailing address)

the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Hornet Creek
Flood water, tributary to, Weiser River

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount 100 inches Use irrigation Period of Use: From April 1 To Oct 1
 Amount _____ Use _____ Period of Use: From _____ To _____
 Amount _____ Use _____ Period of Use: From _____ To _____
 (cfs, gpm (dom., irri, (both dates inclusive)
 or a/f) stock, etc.)

- (3) Total quantity of water claimed: _____ cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 6-30-83

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NW ¼ SW ¼, Sec. 15 Twp. 17N Rge. 2W B.M. County of Adams
 Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Gravity ditch from diversion dam and headgate

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres 62.

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

[illegible]

Hand-drawn graph on grid paper showing a piecewise linear function. The function is defined by points (0, 14), (10, 17.5), (20, 22), (30, 28.5), and (40, 35). The segments are labeled with their slopes: 1.5 for the first segment, 16 H. for the second, and 28.5 for the third. The y-axis is labeled '14. D. 0' at the top.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

Be it known that the undersigned, being duly sworn, deposes and says that he, ~~she, they~~ subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Elmer L. Baer
(Claimant)

19 75
Clemens J. Woods
Notary Public
Residing at Boise, Idaho

My commission expires 6-15-1977

Rec'd 10-9-3 For Department Use Only

Received by Date 7/18/75 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by Date 7-18-75 claimant by: _____
\$10.00 fee received by _____ Date 7-18-75
Approved for publication by
Published in Adams County Leader _____
Dates July 31 & August 8 _____

MIRA CRISS
ADAMS COUNTY ASSESSOR
BOX 46
COUNCIL, IDAHO 83612

March 25, 1975

Mr. Elmer Bacus
Route 1
Eagle, Idaho

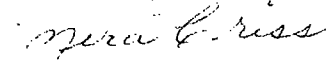
Dear Mr. Bacus:

Enclosed please find a map with diversion
point and acreages, I could not find a
priority date on our scimpy records.

Clell Williamson from Weiser is the
Water Master and would have the priority
date of your original right.

Hope this finds you both well. Stop
and see us w hen you are up.

Sincerely,

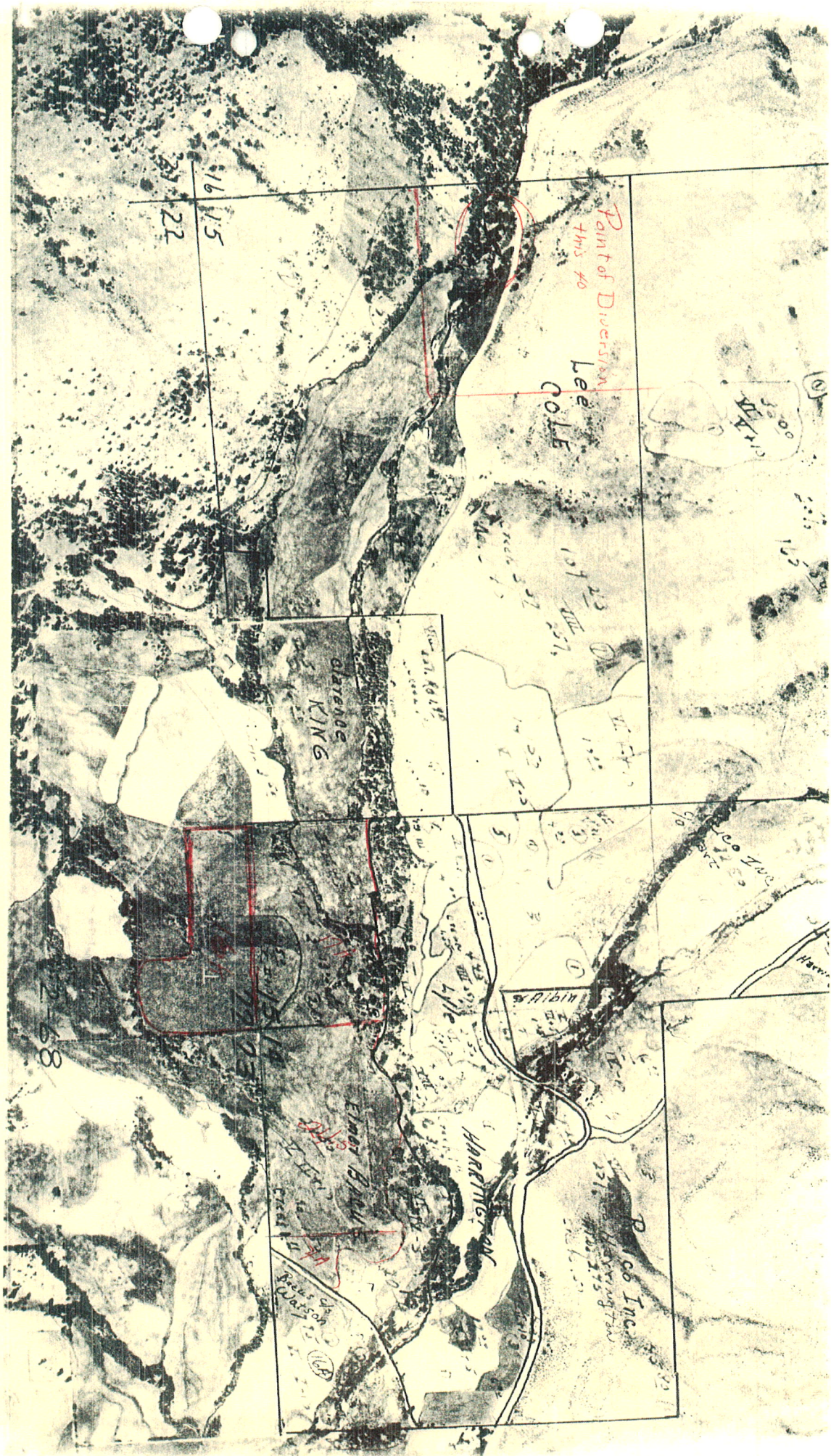


Mira Criss
Adams County Assessor

MC:kk

enc.

ENCLOSURE



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Esther K. Bacon

(name of claimant)

of Rt. 1 Taylor St. Eagle, Id. 83616, claims a right to the diversion and beneficial use of
(mailing address)

the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Forest Creek
Flood water, tributary to, Weiser River
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>100 inches</u>	Use	<u>irrigation</u>	Period of Use:	From	<u>April 1</u>	To	<u>Oct 1</u>
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
	(cfs, gpm or a/f)		(dom., irri.; stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: _____ cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 6-30-83

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)

NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15 Twp. 17N Rge. 2E B. M. County of Adams
Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Gravity ditch from diversion dam and head gate

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

- (7) If you are claiming water as a member of an organization, list name of organization:

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A67-04136B
Date Received: 10/11/1989
Receipt No: W006636
Received By: RL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ELMER L. BACUS 208-939-6224
Address: TAYLOR ST.
RT. 3
EAGLE, ID 83616

OR

Name: RUTH E. BACUS 208-939-6224
Address: TAYLOR ST.
RT. 3
EAGLE, ID 83616

2. Date of Priority: JUN 30, 1883

3. Source: HORNET CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	02W	15	NW	SW			ADAMS

5. Description of diverting works:
DAM WITH HEADGATE, GRAVITY FLOW WITH CEM. DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.160		

7. Total Quantity Appropriated is:
1.160 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A67-04136B

Page 1

Date: 11/06/89

MICROFILMED

OCT 02 1992

SCANNED

APR 08 2004

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	02W	14	SW	SW		IRR	20.0
			SE	SW		IRR	5.0
					Section Acres		25.0
		15	SE	SE		IRR	15.0
					Section Acres		15.0
		22	NE	NE		IRR	18.0
					Section Acres		18.0
					Total Acres		58.0

11. Place of use in counties: ADAMS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A67-11228

14. Remarks:

THIS WATER RIGHT HAS BEEN SPLIT AND CLAIMED AS FOLLOWS:

A67-04136A; 0.10 CFS CLAIMED BY JACK P. OR WILMA M. WATSON (4 AC)

A67-04136B; 1.16 CFS CLAIMED BY ELMER OR RUTH BACUS (58.AC)

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Elmer I Baars Date: 11-6-89

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of Nov 19 89
Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
Residing at Boise, Idaho
My Commission Expires December 8, 1994

ACZ-04136

1003

58404083

plc

(H)

(S)

(X)

04136

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REPRODUCTION
OCT 22 1952